

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|-----------------------------|---|------------------------|
| MAGNETIC WORKS, LTD, |) | |
| a Missouri Corporation, |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 4:06CV507 HEA |
| |) | |
| FARHAN KHAN, an individual, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's Motion for an Order Compelling Discovery, Awarding Sanctions and Extending Discovery, [Doc. No. 12].

Defendant objects to the motion. For the reasons set forth below, the Motion is granted in part and denied in part.

On July 5, 2006, this Court granted plaintiff's Motion to conduct jurisdictional discovery and gave the parties until August 4, 2006 to do so. Plaintiff now claims that defendant has insufficiently responded to its discovery and asks the Court Order defendant to comply with its jurisdictional discovery requests.

Plaintiff sets forth seven specific items of discovery sought from defendant. While defendant claims to have complied with plaintiff's discovery requests, glaringly absent from defendant's objection is an explanation from defendant as to why none of the discovery plaintiff seeks was produced. Defendant asserts that

Artistic Creations is “unrelated” to this lawsuit, however, plaintiff contends that it is in fact selling infringing products. Defendant has failed to articulate why he claims Artistic Creations is “unrelated” to this suit in light of plaintiff’s position. Discovery as to Artistic Creations *vis a vis* the subject mail box covers is indeed relevant to this issues before the Court.

Furthermore, defendant’s assertion that he produced the relevant telephone records stretches the concept of production. Without explanation, defendant has redacted relevant information from the telephone records such that they are virtually useless. In his response to the motion to compel, defendant claims to have complied with plaintiff’s requests, however, defendant’s response carefully avoids even mentioning the redaction.

Plaintiff’s requests are relevant to both kinds of personal jurisdiction. Defendant has not properly answered the requests and has failed to present sufficient justification for failing to do so.

Plaintiff is entitled to responses to its propounded discovery in order for it and this Court to ascertain whether the Court can exercise personal jurisdiction over defendant. The motion to compel, is therefore granted and discovery will be extended for an additional thirty days. The request for sanctions will be denied.

Accordingly,

IT IS HEREBY ORDERED that the Motion for an Order Compelling Discovery, Awarding Sanctions and Extending Discovery, [Doc. No. 12], is granted in part and denied in part.

IT IS FURTHER ORDERED that defendant shall respond to plaintiff's seven requests detailed in its motion within 14 days from the date of this Order.

IT IS FURTHER ORDERED that jurisdictional discovery is extended for an additional 30 days from the date of this Order

Dated this 15th day of September, 2006.

A handwritten signature in cursive script, reading "Henry Edward Autrey", written in dark ink.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE